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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,007	03/16/2004	Shogo Saramaru	250437US3X	1587
22850	7590	01/12/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,007

Applicant(s)

SARAMARU ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/4/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **I. Claim Objections**

1. Throughout the claims applicant recites and refers to a “temporarily holding member.” This member is more accurately described as a -temporary holding member- because the term ‘temporarily’ is typically used as an adverb, while ‘temporary’ is typically used as an adjective, used to modify a noun, such as ‘a holding member.’ e.g., *temporarily holding a wafer with a temporary holding member.*

### **II. Claim Rejections - 35 USC § 112**

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2-9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claims 2 recites “a carrier” in lines 2 and 15 and claim 10 recites “a carrier” in lines 6 and 17. This double inclusion renders the claim indefinite because it is not clear whether the terms are referring to the same element. If the claims are referring to the same element, once mentioned, any subsequent recitation should take the form, e.g., -said carrier- or -the carrier-. If they are separate and distinct elements, that should be so indicated by using phraseology such as, e.g., -a second carrier-.

1.2. With respect to claims 4-9, the preamble recites “a transferring apparatus according to claim 1.” Claim 1, however, recites a method for transferring an article. For purposes of examination on the merits, examiner assumes “apparatus” should read -method-.

1.3. Claim 7 recites the limitation, “locally formed” in line 2. It is unclear what this limitation refers to.

1.4. Claim 7 recites the limitation, “a smaller thickness” in line 3. It is unclear what the thickness is smaller than.

1.5. Claim 12 recites “the temporary holding member...switchingly movable between the temporarily holding position and the retracted position” in lines 4-5. This limitation, however, is already included in parent claim 10.

### **III. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1-12 is/are rejected under 35 U.S.C. 102(b) as being anticipated by MURDOCH (US 5,100,502 A).

1.1. With respect to claim 1, MURDOCH discloses receiving the article (50b), carried by the carrier device (24) at an intermediate position (Fig. 4C), by a temporary holding member (14), retracting the carrier (Fig. 4D), relatively moving the temporarily holding member and the holder to transfer the article to the processing position (Fig. 5D-E), and retracting the temporarily holding member (Fig. 5E).

1.2. With respect to claim 2-4, MURDOCH discloses a temporarily holding member (14), member movable relative to the holder and switchingly movable between a holding and retracted position, position switcher (34), and a carrier (Fig. 5D-E).

- 1.3. With respect to claims 5-9, MURDOCH additionally discloses a plurality of holding members having a shaft rotatably mounted on the processing vessel (pivot of 32) (Fig. 5D-E), article holding portion, smaller thickness, and stepped portion.
- 1.4. With respect to claim 10, MURDOCH discloses a processing vessel with a processing chamber (18), holder (42), transferring apparatus (24), a temporarily holding member (14), a position switcher (34), a carrier (Fig. 5D-E).
- 1.5. With respect to claims 11 and 12 MURDOCH additionally discloses the temporarily holding member movable relative to the holder and switchingly movable between a holding and retracted position.

#### **IV. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 13-20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over MURDOCH in view of FUJIKAWA (US 5,979,306 A).

- 1.1. With respect to claim 13-20, as discussed above MURDOCH discloses all the recited elements of the holder, transferring apparatus, carrier and temporary holding mechanism of applicant's claimed invention. The embodiment of MURDOCH details the transferring apparatus used in an etching chamber defined by an anode and cathode which have no relative movement. MURDOCH discloses, however, that the apparatus, including the temporary holding mechanism, could be used in a variety of

wafer processing chambers (Col. 3 Li. 41 et. seq.). It was well known in the art at the time of applicant's claimed invention to use a processing chamber having two vessel members (2)/(3), such as the high-pressure processing chamber described by applicant, the chamber being loaded when the upper and lower members are separated then subsequently united. This is taught by FUJIKAWA and other art of record. It would have been obvious to one of ordinary skill in the art to use the transferring apparatus of MURDOCH in the processing vessel of FUJIKAWA as implicitly suggested by MURDOCH.

#### **V. Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

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to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197  
(toll-free).

CG

 1/9/06  
DEAN J. KRAMER  
PRIMARY EXAMINER